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Via ECF

Honorable Victor Marrero
United States District Court
Southern District of New York
Daniel Patrick Moynihan US Courthouse
500 Pearl St
New York, New York 10007

**Re: Request to Temporarily Seal Redacted Portions of Complaint and Exhibits
42West LLC v. Alexander S. Gould, Case No. 21-cv-01581-VM**

Dear Judge Marrero:

The undersigned law firm represents Plaintiff 42 West LLC (“42 West”) in the above-referenced Civil Action. We write to respectfully request that the Court permit temporary sealing of certain information redacted from the Complaint and Exhibits [D.I. 1].

By way of context, this request and the Complaint arises out of Defendant Alexander S. Gould’s (“Gould”) failure to pay for good and valuable publicity services provided by 42West. In the course of alleging the good and valuable services 42West provided, the Complaint necessarily sets forth the nature of the events and occurrences that Gould hired 42West to maintain as confidential. It is clear that Defendants’ non-payment for services and material breach of the agreements between the parties, as alleged in the Complaint, excuse 42West from any preexisting obligations to maintain confidentiality at this juncture. However, in an abundance of caution, 42West has redacted certain sensitive information from the Complaint and Exhibits, to allow such matters to remain out of public view pending Gould’s appearance in this case and ability to address the issues before public disclosure is made.

The mere existence of a confidentiality agreement is insufficient to overcome the presumption of access. *Bowling v. Johnson & Johnson*, No. 17 Civ. 3982, 2019 WL 1760162, at *8 (S.D.N.Y. Apr. 22, 2019). Pursuant to *Lugosh v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir.2006), the Court must “balance competing considerations against [the common law right of access to court filings],” including “the privacy interests of those resisting disclosure.” *Id.* In this case, permitting Gould to be served and heard on the matter of sealing will permit the Court to consider and balance the competing considerations appropriately.

We thank the Court for its time and consideration of this matter.

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Respectfully submitted,



Lauren M. Paxton, Esq.
Calcagni & Kanefsky, LLP

Dated: February 19, 2021

The request is granted. Plaintiff is hereby authorized to file the Complaint and exhibits referred to above under temporary seal.

SO ORDERED.

2/25/2021

DATE



VICTOR MARRERO, U.S.D.J.